



DEPARTMENT OF HEALTH

Amendment and Compilation of Chapter 11-59
Repeal of Chapter 60
Adoption of Chapter 11-60.1
Hawaii Administrative Rules

OCT 29 1993

SUMMARY

1. §§11-59-4 and 11-59-6 are amended.
2. Chapter 11-59 is compiled.
3. Chapter 11-60 is repealed.
4. Chapter 11-60.1 is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 59

AMBIENT AIR QUALITY STANDARDS

- §11-59-1 Purpose
- §11-59-2 Definitions
- §11-59-3 Reference conditions
- §11-59-4 Ambient air quality standards
- §11-59-5 Prohibition
- §11-59-6 Penalties and remedies
- §11-59-7 Severability

Historical Note: Chapter 11-59, Hawaii Administrative Rules, is based substantially on Public Health Regulations, Chapter 42, Ambient Air Quality Standards, Department of Health, State of Hawaii. [Eff 9/24/71; am 3/21/72; R 11/29/82]

§11-59-1 Purpose. The ambient air quality standards of this chapter seek to protect public health and welfare and to prevent the significant deterioration of air quality. [Eff 11/29/82; comp 6/29/92; comp **NOV 26 1993** (Auth: HRS §§342B-3, 342B-31; 42 U.S.C. §§7410, 7416; 40 C.F.R. Part 51) (Imp: HRS §342B-31; 42 U.S.C. §§7407, 7409, 7410, 7416; 40 C.F.R. Part 51)]

§11-59-2 Definitions. As used in this chapter: "Ambient air" means the general outdoor atmosphere to which the public has access.

"Reference method" means a method of sampling and analyzing the ambient air which the U.S. Environmental Protection Agency (EPA) specifies as a reference or an equivalent method, or absent EPA specifications, a method of sampling and analysis that the state director of health specifies as a reference. [Eff 11/29/82; comp 6/29/92; comp **NOV 26 1993** (Auth: HRS §§342B-3, 342B-31; 42 U.S.C. §§7410, 7416; 40

§11-59-

C.F.R. Part 51) (Imp: HRS §342B-31; 42 U.S.C. §§7407, 7409, 7410, 7416; 40 C.F.R. Part 51)

§11-59-3 Reference conditions. All measurement analyses shall correct results to a reference temperature of twenty-five degrees centigrade and a reference pressure of seven hundred sixty millimeters of mercury. [Eff 11/29/82; am and comp 6/29/92; comp **NOV 26 1993** (Auth: HRS §§342B-3, 342B-31; 42 U.S.C. §§7410, 7416; 40 C.F.R. Part 51) (Imp: HRS §342B-31; 42 U.S.C. §§7407, 7409, 7410, 7416; 40 C.F.R. Part 51)

§11-59-4 Ambient air quality standards. (a) The numerical ambient air quality standards below limit the time-averaged concentration of specified pollutants dispersed or suspended in the ambient air of the State, but these standards do not in any manner authorize the significant deterioration of existing air quality in any portion of the State.

(b) Limiting concentrations specified for a twelve-month period or a calendar quarter shall not be exceeded. Limiting concentrations specified for one-hour, three-hour, eight-hour, and twenty-four-hour periods shall not be exceeded more than once in any twelve-month period.

(c) In the ambient air the concentration of carbon monoxide measured by a reference method shall not exceed:

- (1) An average value of ten milligrams per cubic meter of air during any one-hour period; and
- (2) An average value of five milligrams per cubic meter of air during any eight-hour period.

(d) In the ambient air the average concentration of nitrogen dioxide measured by a reference method during any twelve-month period shall not exceed seventy micrograms per cubic meter of air.

(e) In the ambient air the concentration of particulate matter as particles with an aerodynamic diameter less than or equal to a nominal ten micrometers measured by a reference method shall not exceed:

- (1) An arithmetic mean of fifty micrograms per cubic meter of air during any twelve-month period; and

- (2) An average value of one hundred fifty micrograms per cubic meter of air during any twenty-four-hour period.
- (f) In the ambient air the average concentration of ozone measured by a reference method during any one-hour period shall not exceed one hundred micrograms per cubic meter of air.
- (g) In the ambient air the average concentration of sulfur dioxide measured by a reference method shall not exceed:
 - (1) An average value of eighty micrograms per cubic meter of air in any twelve-month period;
 - (2) An average value of three hundred sixty-five micrograms per cubic meter of air in any twenty-four-hour period; and
 - (3) An average value of one thousand three hundred micrograms per cubic meter of air in any three-hour period.
- (h) In the ambient air the average concentration of lead measured as elemental lead by a reference method during any calendar quarter shall not exceed 1.5 micrograms per cubic meter of air.
- (i) In the ambient air the average concentration of hydrogen sulfide measured by a reference method shall not exceed thirty-five micrograms per cubic meter of air (twenty-five parts per billion) in any one-hour period. [Eff 11/29/82; am 4/14/86; am and comp 6/29/92; am and comp **NOV 26 1993** (Auth: HRS §§342B-3, 342B-31; 42 U.S.C. §§7410, 7416; 40 C.F.R. Parts 50, 51) (Imp: HRS §342B-31; 42 U.S.C. §§7407, 7409, 7410, 7416; 40 C.F.R. Parts 50, 51)]

§11-59-5 Prohibition. No person, as defined in section 342B-1, HRS, shall cause, or allow, or contribute to a violation of any ambient air quality standard set forth in this chapter. [Eff 11/29/82; am and comp 6/29/92; comp **NOV 26 1993** (Auth: HRS §§342B-3, 342B-31; 42 U.S.C. §§7410, 7416; 40 C.F.R. Part 51) (Imp: HRS §342B-31; 42 U.S.C. §§7407, 7409, 7410, 7416; 40 C.F.R. Part 51)]

§11-59-6 Penalties and remedies. Any person who violates section 11-59-5 is liable for penalties and remedies as provided for in chapter 342, HRS. [Eff 11/29/82; am and comp 6/29/92; am and comp

§11-59-

NOV 26 1993 (Auth: HRS §§342B-3, 342B-31; 42 U.S.C. §§7410, 7416; 40 C.F.R. Part 51) (Imp: HRS §342B-31; 42 U.S.C. §§7407, 7409, 7410, 7416; 40 C.F.R. Part 51)

§11-59-7 Severability. If any provision of this chapter, or its application thereof to any persons or circumstances, is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected thereby. [Eff 11/29/82; comp 6/29/92; comp **NOV 26 1993** (Auth: HRS §§342B-3, 342B-31; 42 U.S.C. §§7410, 7416; 40 C.F.R. Part 51) (Imp: HRS §342B-31; 42 U.S.C. §§7407, 7409, 7410, 7416; 40 C.F.R. Part 51)]

Amendments to and compilation of chapter 59,
repeal of chapter 60, and adoption of chapter 60.1,
title 11, Hawaii Administrative Rules, on the Summary
Page dated **OCT 29 1993** were adopted on

OCT 29 1993 following public hearings in Lihue,
Kauai on September 27, 1993, in Honolulu, Oahu on
September 28, 1993, in Wailuku, Maui on September 29,
1993, in Kealahou, Hawaii on September 30, 1993, and
in Hilo, Hawaii on October 1, 1993, after public
hearing notice was given on August 27, 1993, in the
Garden Island, Honolulu Advertiser, Maui News, Hawaii
Tribune Herald, and West Hawaii Today.

They shall take effect ten days after filing with
the Office of the Lieutenant Governor.

JOHN C. LEWIN, M.D.
Director
Department of Health

Dated: _____

JOHN WAIHEE
Governor
State of Hawaii

Dated: _____

Filed

APPROVED AS TO FORM:

Deputy Attorney General